

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-16 remain in the application. Claims 1-12 are subject to examination and claims 13-16 have been withdrawn from examination. No claims have been amended, added or canceled herein.

In "Claim Rejections – 35 USC § 102," item 1 on pages 2-4 of the above-identified Office Action, claims 1-3, 6-8 and 10 have been rejected as being fully anticipated by U.S. Publication No. 2007/0008958 to Clemm under 35 U.S.C. § 102(e).

In "Claim Rejections – 35 USC § 103," item 2 on pages 4-5 of the Office Action, claim 4 has been rejected as being obvious over U.S. Patent No. 6,724,863 to Bedingfield under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103," item 3 on pages 5-8 of the Office Action, claims 5, 9 and 11-12 have been rejected as being obvious over Clemm as applied to claim 3 and further in view of U.S. Publication No. 2002/0075881 to Yoakum under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their previous and current form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method for providing control of a terminal, the terminal being coupled to a telecommunications network, comprising:

bidirectionally communicating call associated signaling messages to the terminal via a first network element; and

bidirectionally communicating non-call associated signaling messages to the terminal via a second network element.

Independent claim 6 calls for, *inter alia*, a network arrangement for a telecommunications network for providing control of a terminal, comprising:

a first network element for bidirectionally communicating call associated signaling messages to the terminal; and

a second network element for bidirectionally communicating non-call associated signaling messages to the terminal.

The Examiner alleges that the subject matter of claims 1-3, 6-8 and 10 is anticipated by Clemm. Applicants respectfully disagree.

Clemm discloses "a method for managing packet voice networks using a virtual switch approach" (see paragraph [0017]) "analogous to provisioning a TDM switch" (see paragraph [0018]) and states that "a separate control plane is responsible for signaling." (see paragraph [0037]).

Clemm deals only with managing packet voice networks. Nowhere in Clemm's disclosure are the terms "call associated signaling" and "non-call associated signaling," as recited in claims 1 and 6 of the instant application, discussed or even mentioned.

Therefore, the subject matter of the instant application as claimed is not disclosed or anticipated by Clemm.

The Examiner alleges furthermore that claim 4 is unpatentable over Clemm in view of Bedingfield. Applicants respectfully disagree.

Claim 4 of the instant application calls for communicating the non-call associated signaling messages via a mediation function implemented in the signaling transfer point.

Clemm deals with managing packet voice networks using a virtual switch approach.

Bedingfield deals with forwarding information in a telephone network using pseudo telephone numbers.

Therefore, it is not obvious for a person skilled in the art as to how to combine Clemm and Bedingfield in order to arrive at the claimed subject matter. Thus, the subject matter of claim 4 is patentable over Clemm in view of Bedingfield.

The Examiner alleges furthermore that claims 5,9 and 11-12 are unpatentable over Clemm in view of Yoakum. Applicants respectfully disagree.

Claims 5 and 9 of the instant application introduce special signaling gateways in order to optimize the handling of non-call associated signaling information.

Clemm deals with managing packet voice networks using a virtual switch approach.

Yoakum discloses a transaction manager capable of coordinating interworking between disparate networks.

Therefore, it is not obvious for a person skilled in the art as to how to combine Clemm and Yoakum in order to arrive at the claimed subject matter. Thus, the claimed subject matter is patentable over Clemm in view of Yoakum.

Clearly, neither Clemm nor Bedingfield nor Yoakum show:

- a first network element for bidirectionally communicating call associated signaling messages to the terminal, and

- a second network element (STP/SRP) for bidirectionally communicating non-call associated signaling messages to the terminal,

as recited in claims 1 and 6 of the instant application.

Clemm, Bedingfield and Yoakum also do not show or suggest the mediation function of claim 4 nor the signaling gateways of claims 5 and 9.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 4, 5, 6 and 9. Claims 1, 4, 5, 6 and 9 are, therefore, believed to be patentable over the art. The other dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 6.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to Deposit Account Number 12-1099 of Lerner Greenberg Sterner LLP.

Respectfully submitted,

/Laurence A. Greenberg/
Laurence A. Greenberg
Reg. No. 29,308

LAG/lq

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Lerner Greenberg Sterner LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101